

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

In the Matter of:

DANIEL B. RAWLINGS

FAA Order No. 98-10

Served: May 8, 1998

Docket No. CP97WP0025

ORDER DISMISSING APPEAL

In a previous order, the Administrator construed a memorandum filed by Respondent Daniel B. Rawlings (Rawlings) as a notice of appeal from the written initial decision of Administrative Law Judge Ann Z. Cook issued on August 28, 1997.¹ In the Matter of Rawlings, FAA Order No. 97-33 (October 21, 1997). The Administrator directed Rawlings to perfect his appeal by filing an appeal brief by November 25, 1997. (*Id.* at 2.) The Administrator indicated that if Rawlings failed, without good cause, to meet this deadline, the law judge's order assessing a \$2,000 civil penalty would be affirmed. (*Id.*) As the agency attorney points out in Complainant's motion to dismiss dated April 9, 1998, Rawlings neither filed an appeal brief nor requested an extension of time by the deadline.² Accordingly, Rawlings' appeal is subject to dismissal under 14 C.F.R. § 13.233(d)(2).

¹ Judge Cook dismissed the proceedings due to Rawlings' failure to respond to her order to show cause of July 23, 1997. The order to show cause directed Rawlings to file an answer and a written explanation for his failure to file a timely answer.

² Nor has Rawlings filed a response to Complainant's motion to dismiss his appeal.

THEREFORE, IT IS ORDERED THAT: Rawlings' appeal is dismissed, and the law judge's order assessing a \$2,000 civil penalty is affirmed.³

JANE F. GARVEY, ADMINISTRATOR
Federal Aviation Administration



VICKI S. LEEMON⁴
Manager, Adjudication Branch

Issued this 8th day of May, 1998.

³ Unless Rawlings files a petition for review with a Court of Appeals of the United States within 60 days of service of this decision (under 49 U.S.C. § 46110), this decision shall be considered an order assessing civil penalty. *See* 14 C.F.R. §§ 13.16(b)(4) and 13.233(j)(2) (1998).

⁴ Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (*see* 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.